

**GERSTMAN SCHWARTZ**<sup>LLP</sup>  
ATTORNEYS AT LAW

September 14, 2022

**By ECF**

The Honorable Vera M. Scanlon  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East, 1214 South  
Brooklyn, New York 11201

Re: *Roberto Birman and Elena Birman v. American Airlines, Inc.*  
No. 21-cv-6634

Dear Magistrate Scanlon:

Pursuant to Local Civil Rule 1.4 of this Court, Gerstman Schwartz LLP, including attorney Randy Kleinman, requests permission to withdraw from the representation of all plaintiffs in the present case. The named plaintiffs in the case are as follows:

1. Plaintiffs in *Roberto Birman and Elena Birman v. American Airlines, Inc.*, No. 21-cv-6634:
  - Roberto Birman
  - Elena Birman

If granted, this withdrawal would terminate Gerstman Schwartz LLP's representation of all plaintiffs in the above-mentioned case.

As set forth in more detail in the Declaration of Randy Kleinman, which is being submitted herewith, Gerstman Schwarz LLP and plaintiffs' have a fundamental disagreement about how this matter should be handled. *See* N.Y. Rule of Professional Conduct 1.16(c)(4). Gerstman Schwartz LLP also seeks to withdraw because plaintiffs' have made clear that they do not want us to continue as their attorney in this matter. *See* N.Y. Rule of Professional Conduct 1.16(b)(3). As further detailed in Mr. Kleinman's Declaration, Gerstman Schwartz LLP is not asserting a retaining or charging a lien.

Respectfully submitted,

*/s/ Randy Kleinman*

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Randy Kleinman, Esq.

cc: All Counsel (by ECF)

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